



U.S. Department of Justice

United States Attorney  
District of New Jersey  
Special Prosecutions Division

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June 4, 2015

VIA ECF

Honorable Susan D. Wigenton  
United States District Judge  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: *United States v. William E. Baroni, Jr. and Bridget Anne Kelly*  
*Crim. No. 15-193 (SDW)*

Dear Judge Wigenton:

The United States respectfully submits this letter in response to the defendants' May 27, 2015 joint request for an order directing the pretrial production of documents responsive to a Rule 17(c) trial subpoena. Specifically, defendants Bridget Anne Kelly and William E. Baroni, Jr. have asked the Court to compel the pretrial production of the following:

- a. Any and all handwritten or typed notes, stenographic transcripts and audio and/or video recordings of witness interviews conducted by Gibson, Dunn & Crutcher, LLP ("Gibson Dunn") during its representation of the Office of the Governor of New Jersey from on or about January 16, 2014 to the present, and
- b. Any and all metadata and the document properties for all typed notes and interview summaries created during interviews of witnesses during Gibson Dunn's representation of the Office of the Governor of New Jersey from on or about January 16, 2014 to the present.

It is not clear from the defendants' papers that the materials sought would be admissible as evidence at trial. Furthermore, to the extent that the materials are sought for the purpose of impeaching Government witnesses, they ordinarily would not properly be the subject of an order compelling pretrial production under Rule 17. *United States v. Cuthbertson*, 630 F.2d 139, 144 (3d Cir. 1980). Nevertheless, without prejudice to the United States' ability to challenge the admissibility of any such materials at trial or to challenge any subsequent defense motion under

Rule 17 to compel the pretrial production of witness statements or impeachment material, the United States does not object to the issuance of the subpoena for the materials specified above.

Respectfully submitted,

PAUL J. FISHMAN  
United States Attorney

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cc: Michael Critchley, Esq. (via ECF)  
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